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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,025	02/11/2002	Harald Bock	112740-538	7491

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EXAMINER

ALPHONSE, FRITZ

ART UNIT	PAPER NUMBER
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2133

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/075,025

Applicant(s)

BOCK ET AL.

Examiner

Fritz Alphonse

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 11-14, 1, 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Burgmeier (U.S. Pat. No. 6,577,696).

As to claims 11 and 13, Burgmeier (figs 1-3) shows a system for regulating a decision threshold of a data regenerator having a decision stage, to which a binary signal and a comparison signal are fed, the system including a sampling flip-flop (i.e., sampling trigger circuit KA1) having a data input connected to an output of the decision stage; a controllable clock regenerator (PD) which generates a sampling clock signal for the sampling flip-flop (KA); an error correction device (FEC-DEC) for controlling the controllable clock regenerator (PD). Burgmeier (fig. 3) shows a regulator (ST), a first correction signal being fed to the regulator (ST) from the error correction device (FEC-DEC 1), which indicates a correction of a 1-bit, and a second correction signal being fed to the regulator (ST) from the error correction device (FEC-DEC 1) which indicates a correction of a 0-bit, wherein the regulator (ST) separately sums and assesses the first and second correction signals and generates a control signal which determines a magnitude of the comparison signal (col. 3, lines 47-67; col. 4, lines 64 through col. 5, line 6).

As to claims 12 and 14, Burgmeier disclose a system for regulating a decision threshold of a data regenerator, wherein a phase of the sampling clock signal is also regulated and, wherein a decision threshold of the sampling clock signal is also regulated (col. 2, lines 23-32).

As to claims 1 and 6, method claims 1 and 6 correspond to apparatus claim 11 and 13; therefore, they are analyzed as previously discussed in claims 11 and 13 above.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2-5, 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burgmeier (U.S. Pat. No. 6,577,696) in view of Bendak (U.S. Pat. No. 6,715,113).

As to claims 2-5, Burgmeier does not explicitly teach a method for regulating a decision threshold, which forms a difference between the number of 1-bits and 0-bits detected as erroneous.

However, in the same field of endeavor, Bendak discloses a feedback system for regulating a decision threshold in which the difference forming between the number of 1-bits and 0-bits detected as erroneous; the difference is converted into an actuating signal for the decision threshold (col. 6. lines 1-5).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine Burgmeier with the feedback system, as disclosed by Bendak. By

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doing, using the FEC correction would be advantageous for optimizing receiver parameters, such as gain, sensitivity and improve the performance of an analog receiver (col. 1, lines 43-45).

As to claims 7-8, Burgmeier does not explicitly disclose a method for regulating a relative phase of a sampling clock signal with respect to a phase of a binary signal, wherein evaluation only occurs for at least one of transitions for specific binary sequences and a specific transition between the binary states. However, the limitations are disclosed by Bendak (col. 6, lines 1-5)

As to claims 9-10, the claims have substantially the limitations of claims 7-8; therefore, they are analyzed as previously discussed in claims 7-8 above.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks, Washington, D.C. 20231

or faxed to: (703) 872-9306 for all formal communications.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fritz Alphonse, whose telephone number is (571) 272-3813. The examiner can normally be reached on M-F, 8:30-6:00, Alt. Mondays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert De Cady, can be reached at (571) 272-3819.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

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Information regarding the status of an application may also be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Fritz Alphonse

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June 8, 2005


ALBERT DECADY
SUPERVISORY PATENT EXAMINER
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